

JUDGE GARDEPHE

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

- - - - - X

UNITED STATES OF AMERICA

: INDICTMENT

- v. -

1:11-cr-00310

LEONARD FITZGERALD and
JAVEL TAYLOR,
a/k/a "J,"

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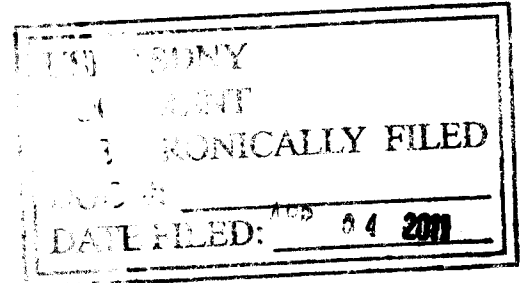
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Defendants.

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COUNT ONE



The Grand Jury charges:

1. In or about March 2011, in the Southern District of New York and elsewhere, LEONARD FITZGERALD and JAVEL TAYLOR, a/k/a "J," the defendants, and others known and unknown, unlawfully, intentionally, and knowingly did combine, conspire, confederate, and agree together and with each other to violate the narcotics laws of the United States.

2. It was a part and an object of the conspiracy that LEONARD FITZGERALD and JAVEL TAYLOR, a/k/a "J," the defendants, and others known and unknown, would and did distribute and possess with the intent to distribute a controlled substance, in violation of Title 21, United States Code, Section 841(a)(1).

3. The controlled substance involved in the offense was a quantity of mixtures and substances containing a detectable amount of cocaine base, in a form commonly known as "crack," in violation of Title 21, United States Code, Section 841(b)(1)(C).

OVERT ACT

4. In furtherance of the conspiracy and to effect the illegal object thereof, the following overt act, among others, was committed in the Southern District of New York and elsewhere:

a. On or about March 21, 2011, in the vicinity of 140 West 104th Street, New York, New York, LEONARD FITZGERALD and JAVEL TAYLOR, a/k/a "J," the defendants, sold approximately four bags of crack to an undercover officer in exchange for approximately \$40.

(Title 21, United States Code, Section 846.)

COUNT TWO

The Grand Jury further charges:

5. On or about March 21, 2011, in the Southern District of New York, LEONARD FITZGERALD and JAVEL TAYLOR, a/k/a "J," the defendants, unlawfully, intentionally, and knowingly did distribute and possess with intent to distribute a controlled substance, to wit, a quantity of mixtures and substances containing a detectable amount of cocaine base, in a form commonly known as "crack."

(Title 21, United States Code, Sections 812, 841(a)(1), 841(b)(1)(C); Title 18, United States Code, Section 2.)

FORFEITURE ALLEGATION

6. As a result of committing the controlled substance offenses alleged in Counts One and Two of this Indictment, LEONARD FITZGERALD and JAVEL TAYLOR, a/k/a "J," the defendants,

shall forfeit to the United States, pursuant to 21 U.S.C. § 853, any and all property constituting or derived from any proceeds the defendants obtained directly or indirectly as a result of the said violation and any and all property used or intended to be used in any manner or part to commit and to facilitate the commission of the violations alleged in Counts One and Two of this Indictment, including but not limited to, the following:

a. A sum in United States currency representing the amount of all proceeds obtained as a result of the controlled substance offenses alleged in Counts One and Two of the Indictment.

Substitute Asset Provision

7. If any of the property described above as being subject to forfeiture, as a result of any act or omission of the defendants -

b. cannot be located upon the exercise of due diligence;

c. has been transferred or sold to, or deposited with, a third person;

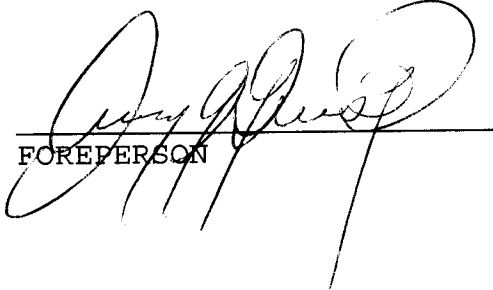
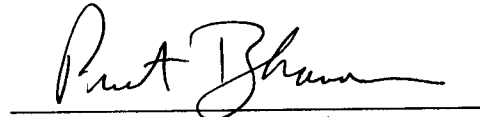
d. has been placed beyond the jurisdiction of the Court;

e. has been substantially diminished in value;

or

f. has been commingled with other property which cannot be subdivided without difficulty;
it is the intention of the United States, pursuant to 21 U.S.C. § 853(p), to seek forfeiture of any other property of the defendants up to the value of the above forfeitable property.

(Title 21, United States Code, Section 853.)


FOREPERSON
PREET BHARARA
United States Attorney

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INDICTMENT

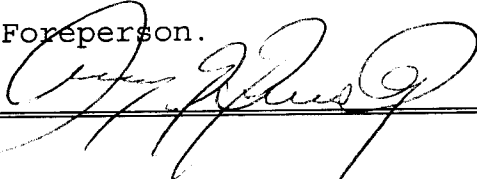
11 Cr.

(21 U.S.C. §§ 812, 841, 846,
and 18 U.S.C. § 2).

PREET BHARARA
United States Attorney.

A TRUE BILL

Foreperson.



4/4/11 RETURN INDICTMENT, ALSO ASSE TO J. GRADEONE-
COT, USMJ